

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37820 of 2020

Arising Out of PS. Case No.-119 Year-2020 Thana- KOCHADHAMAN District- Kishanganj

ANWAR ALAM @ MD. ANWAR ALAM @ MD. AWAR, Son of Md. Ishaque Alam, Resident of Village- Rangamani, P.S.- Kochadhaman, District- Kishanganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : M/S. Vikramdeo Singh and Alok Kumar Alok,
Advocates.

For the Opposite Party : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-02-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in a case for the offence registered under Sections 302, 201, 120(B)/34 of the I.P.C. and 4 of the POCSO Act.

The prosecution story, in brief, is that on 18.05.2020 at 10.40 P.M., the daughter of the informant, aged about 15 years, talked with someone on her mobile and she asked her sister Julee Perween that she will return back after call of nature and she went away from the house. When the family members



woke up to take *Shehari*, they did not find the victim. The informant informed her villagers in that night and in the morning, she traced out that mobile number on which her daughter talked with the person i.e., 6207289695. She came to know that the aforesaid mobile number belongs to one Sajid Alam. She tried to trace out Sajid Alam but he was not available. In course of search, she came to know that her daughter went alongwith Sajid Alam, Anwar Alam, Mudssir Alam, Nur Arsi and Mahbul. On 19.05.2020, in course of search, dead body of her daughter was found the Maize field of one Azimuddin.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 19.05.2020. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The name of the petitioner has transpired in the present case merely on the basis of suspicion. Subsequently, in course of investigation, it has come that the petitioner was seen alongwith the deceased. At best, it is a case of last seen. Except for this, there is no other substantive evidence to suggest the implication



of the petitioner in the present case. There is no eye witness to the alleged occurrence.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-Ist-cum-Special Judge, Kishanganj, in connection with Kochadhaman P.S. Case No. 119/20.

(Sudhir Singh, J)

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